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U.S. DISTRICT COURT
DISTRICT OF MASS.

U.S. Department of Justice

Michael J. Sullivan
*United States Attorney
District of Massachusetts*

Main Reception: (617) 748-3100

*John Joseph Moakley United States Courthouse
1 Courthouse Way
Suite 9200
Boston, Massachusetts 02210*

July 28, 2006

Magistrate Judge Leo T. Sorokin
United States District Court
John Joseph Moakley United States Courthouse
1 Courthouse Way
Boston, Massachusetts 02210

Re: Thibeau, et al. v. United States, et al., C.A. No. 1:04-cv-10643-LTS
Motion to Strike, July 21, 2006 filing.

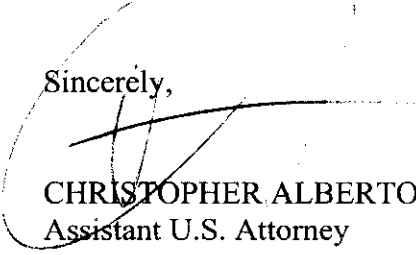
Dear Judge Sorokin:

Before filing the United States' Motion to Strike Portions of Expert Trial Testimony, I contacted Plaintiff's counsel, James Frederick, regarding the timing of when that Motion would be filed. He chuckled and stated it was not a problem. I also faxed, as well as electronically mailed, him a draft copy of that motion days before I filed the actual Motion to Strike with the Court. The draft Motion to Strike I sent him is substantially the same as the actual Motion I filed with the Court.

Even though Attorney Frederick does not claim he was prejudiced by the timing of when the Motion to Strike was filed, I want to make clear Attorney Frederick was not prejudiced by the filing of the Motion to Strike on July 21, 2006.

I do apologize to you for not filing an assented to Motion to file the Motion to Strike on July 21, 2006.

Sincerely,


CHRISTOPHER ALBERTO
Assistant U.S. Attorney

cc: James Frederick
via e-mail and facsimile